

2000 decision and allows powerplants to be delisted as a source of mercury pollution.

Since 2000, research has determined that mercury pollution is more widespread, its effect more pronounced, and methods to reduce it improved. However, the EPA proposal fails to reflect the severity of the situation and allows a weak cap-and-trade system. Under this cap-and-trade rule, many plants will never have to install controls if they choose to simply buy their way out by purchasing allowances from other plants.

The issue of mercury toxins is beyond dollars and cents. Mercury, contained in coal emitted through smokestacks into the atmosphere as the coal is burned, is transported to the air and carried downward for hundreds and hundreds of miles. It is carried by snow and rain back down to Earth into our communities, onto our streets, and around our schools. Inevitably, these toxins pollute our lakes, rivers, and streams. The mercury is then ingested by the fish and, in turn, consumers who eat fish harvested from these freshwater sources. The growing concentration of the amount of mercury has caused a significant problem, not only for Maine's seafood industry but our Nation's.

The EPA issued an advisory about mercury and seafood sales in our country, and since March 2004 sales of tuna, for example, in America have declined by 10 percent. This has resulted in the revenue loss of more than \$150 million to the industry. However, we cannot fault the consumers but, rather, our own failed Government policy.

If EPA had followed the Clean Air Act and retained its 2000 decision, each utility unit would have been required to reduce mercury pollutants by 70 to 90 percent in 2008. I should point out that powerplants are the largest remaining unregulated source of mercury pollution in the United States—accounting for the 90,000 pounds of airborne mercury a year.

EPA's own considerable research on the sources and effects of manmade mercury pollution confirms that mercury emissions are getting worse. To my dismay, the less stringent EPA approach will inevitably fail to protect either the health of our children or Maine's natural resources and the economies that depend on them.

The EPA proposal, at its fundamental level, clearly is delinquent in protecting all Americans equally from the hazards of mercury pollution. Under these guidelines, a powerplant can buy its way out of mercury restrictions and continue to plague the surrounding population. Our commitment to our communities in America should be uniform, and thus our restriction of this neurotoxin should be consistent.

We know for a fact that human ingestion of mercury causes grave neurological damage to young children, infants, and the unborn. Methylmercury is a known neurotoxin and develop-

ment inhibitor in unborn babies. Children and fetuses are most susceptible because mercury can have a damaging effect on developing brains. Reports tell us that nearly 4.9 million women of childbearing age have elevated levels of mercury and that approximately 630,000 children born each year are at risk from mercury-related learning and developmental problems. I find these figures unacceptable. In fact, we all should.

Neurotoxins are not commodities; neurotoxins are poison. I believe that these pollutants and poisons should not be traded in our society but, rather, should be significantly restricted and reduced. It is our duty to enact such a rule.

I hope we will adopt the mercury resolution of disapproval.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to yield 8 minutes to probably the Senator who knows more about air quality and the Clean Air Act than any of the rest of us, the Senator from Ohio, Mr. VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise in strong opposition to this resolution. This represents a continuing saga that started out in 2001 by those of us from the midwestern part of the United States of America with our respected friends from the northeastern part of the United States. I believe everyone should put what we are doing tonight in context; that is, to be effective, this resolution must be passed by the Senate and House and signed by the President.

While the act provides for expedited and privileged procedures in the Senate, there is no such rule in the House. The House will not consider this. The President announced today, if the resolution is passed, that he would veto it. That is where we are.

On March 15, the EPA finalized the Clean Air Mercury Rule and made the United States the first nation in the world to regulate mercury emissions from existing coal-fired powerplants—the first in the world. Through two phases in a “cap-and-trade” program, mercury emissions will be reduced by 70 percent. This is modeled after the Nation's most successful clean air program, the Acid Rain Program. Modeling by the Electric Power Research Institute, an independent nonprofit research organization, shows that the rule will reduce mercury in every State. This is quite amazing, given the nature of mercury.

It is important for my colleagues to understand that all the mercury that is being deposited in the United States doesn't come from the United States. Only 1 percent of the mercury in the world comes from our powerplants in this country. Mercury pollution is a global issue because it travels hundreds of thousands of miles. About 5 percent

of worldwide mercury emissions comes from natural sources, such as oceans and volcanoes. From 1990 to 1999, EPA estimates that U.S. emissions of mercury were reduced by nearly a half, which has been completely offset by increases in emissions from Asia.

The fact is that U.S. powerplants account for a small percentage of worldwide emissions, and most of the mercury deposited in our Nation comes from outside the country and natural sources. Still, the administration has decided to lead with the first-ever Federal regulation of powerplant mercury emissions in the world.

By using the Congressional Review Act, the Senator from Vermont and the resolution's supporters are seeking to topple this regulation that has been nearly 15 years in the making—starting in the Clinton administration—and represents one of the most extensive rulemakings ever conducted for a clean air regulation.

The broader intent of the resolution seems to force EPA to impose a very costly and potentially devastating regulation. Several of the sponsors of Senate Joint Resolution 20 have expressed support for maximum available control technology—called a MACT standard—to reduce mercury emissions from every powerplant by 90 percent within 3 years. Proponents of this approach claim that each powerplant should be able to reduce mercury emissions by at least 90 percent. However, this level of reduction is not currently achievable, and no controlled technology vendor can guarantee the performance of mercury removal technology at this or any other specific level in the future.

According to the independent Energy Information Administration, a MACT standard would have a devastating impact on our Nation because coal plants unable to attain it would be forced to fuel-switch away from coal, which is our most abundant and least costly energy source, to natural gas.

Increased reliance on natural gas for electricity generation will add to the already obscene increase in natural gas costs that our businesses and families are exposed to, including those people who live in the northeastern part of the United States. We have the highest natural gas prices in the developed world, and increased costs have diminished our businesses' competitive position in the global marketplace. We don't live in a cocoon; we live in a global marketplace. The chemical industry's eight-decade run as a major exporter ended in 2003 with a \$19 billion trade surplus in 1997 becoming a \$9.6 billion deficit. These are real jobs.

The impact of a MACT standard has led many groups to express opposition to this resolution, including the American Chemistry Council, American Farm Bureau Federation, Edison Electric Institute, National Mining Association, National Association of Manufacturers, and United Mine Workers of America. It just can't be justified from a cost-benefit point of view.